

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Planning

AGENDA DATE: Intro on 5/31/05 and final Public Hearing on 6/14/05

CONTACT PERSON/PHONE: Rudy Valdez/4635

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance rescinding Ordinance 9272 as amended by Ordinances 11363 and 11651, which granted a Special Privilege License to Border Cab Company for use of certain City right-of-way.

BACKGROUND / DISCUSSION:

The ordinance proposes to rescind Ordinance 9272 as amended by Ordinances 11363 and 11651 for use of certain public rights-of-way for use as cab stands by Border Cab Company and reimbursing Border Cab a total of \$3,348.

PRIOR COUNCIL ACTION:

No

AMOUNT AND SOURCE OF FUNDING:

General Fund

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RESCINDING ORDINANCE 9272 AS AMENDED BY ORDINANCES 11363 AND 11651 WHICH GRANTED A SPECIAL PRIVILEGE LICENSE TO BORDER CAB COMPANY FOR USE OF CERTAIN CITY RIGHT OF WAY.

WHEREAS, ordinance 9272, dated February 2, 1988, granted Border Cab Company a special privilege license to use certain City right-of-way (Exhibit "A"); and

WHEREAS, ordinance 9272 was subsequently amended by special privilege license ordinances 11363 and 11651 to extend the duration thereof (Exhibits "B" and "C" respectively); and

WHEREAS, it has become necessary to rescind special privilege license ordinance 9272 as amended by ordinances 11363 and 11651 and to refund to licensee all fees paid between October of 2002 and December of 2004 since there was no use of the license during that time and since the applicant had requested that the license end as of October of 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That special privilege license ordinance 9272, as amended by ordinances 11363 and 11651 be rescinded in it's entirety;
2. That fees accepted between October of 2002 and December of 2004 be refunded to Border Cab Company.

PASSED AND APPROVED this _____ day of June, 2005.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney

Doc No. 12837

APPROVED AS TO CONTENT:

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

009272

AN ORDINANCE AUTHORIZING A SPECIAL PRIVILEGE
TO BORDER CAB CO. TO USE A PORTION OF PUBLIC
RIGHT-OF-WAY IN THE 200 BLOCK OF WEST SAN ANTONIO STREET

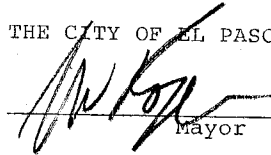
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute on behalf of the
City of El Paso a Special Privilege upon the following terms to
Border Cab Co.

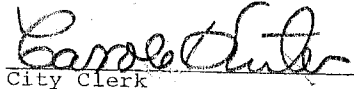
1. This special privilege permits Border Cab Co. to use
a portion of public right-of-way, more particularly
described as one parking meter space located in the
200 block of West San Antonio St., on the southside of
the street, immediately west of the Continental
Trailways exit driveway, El Paso, El Paso County,
Texas; and
2. The term shall be for one year at a consideration of
Six Hundred Thirty and No/100ths Dollars (\$630.00);
and
3. Said privilege from the City of El Paso to Border
Cab Co., shall be in the form which is attached
hereto, marked Exhibit "A" and made a part hereof by
reference.

PASSED AND APPROVED this 2nd day of February,
1988.

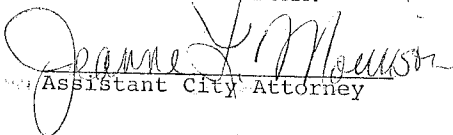
THE CITY OF EL PASO


Mayor

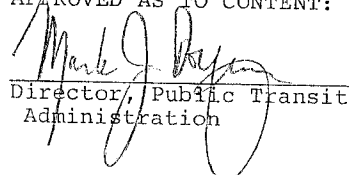
ATTEST:


City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

APPROVED AS TO CONTENT:


Director, Public Transit
Administration

KD35-041

EXHIBIT "A"

011363

AN ORDINANCE AMENDING THE TERM OF ORDINANCE NOS. 010628
AND 009272, AUTHORIZING BORDER CAB COMPANY TO USE A
PORTION OF PUBLIC RIGHT-OF-WAY AT 200 WEST SAN ANTONIO
STREET FOR USE OF TWO PARKING METERS AS TAXI-STANDS.

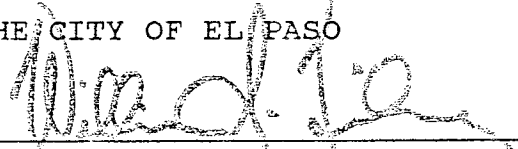
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Ordinance Nos. 010628 and 009272 be amended by extending
the term of the Special Privilege and the consideration as shown in
the attached "Exhibit A" which is attached hereto and made a part
hereof by reference.


All other terms and conditions of Ordinance Nos. 010628 and
009272 shall remain in full force and effect.

PASSED AND APPROVED this 13th day of April, 1993.


THE CITY OF EL PASO


Mayor


ATTEST:


City Clerk

APPROVED AS TO FORM:


Melissa Winblood Franco
Asst. City Attorney

APPROVED AS TO FORM:


Patricia D. Adauto
Department of Planning,
Research & Development

a:\spr9310
03/11/93

011363

EXHIBIT "B"

"EXHIBIT A"

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) AMENDMENT TO SPECIAL PRIVILEGE

The Special Privilege dated February 2, 1988, between the CITY OF EL PASO and BORDER CAB COMPANY, is amended as follows:

1. Paragraph 2, TERM, is amended to read as follows:

"2. TERM

The term of this Special Privilege shall be extended for an initial six month period commencing on February 2, 1993 and ending on August 2, 1993. At the end of the initial six-month term, the City shall have the option to extend the Special Privilege on a month-to-month basis. In all cases, the cancellation provisions within Paragraph 8 shall apply."

2. Paragraph 5, CONSIDERATION, is amended to read as follows:

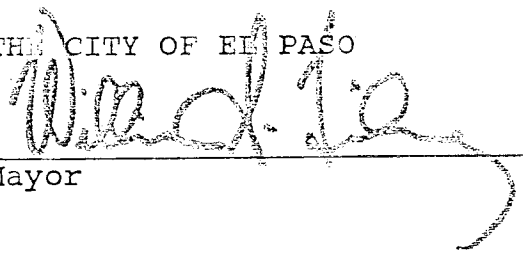
"5. CONSIDERATION

As consideration for this Special Privilege, the Grantee shall pay the City the sum of Six Hundred Thirty Dollars and No/100ths (\$630.00) for the initial six-month term payable in advance upon the execution of this agreement. Upon the City's option to renew on a month to month basis, Grantee shall thereafter pay the City the sum of One Hundred Five Dollars and No/100ths (\$105.00) per month payable on the first day of each month."

3. Except as herein amended, the above described Special Privilege dated February 2, 1988 shall remain in full force and effect.

PASSED AND APPROVED this 13th day of April, 1993.

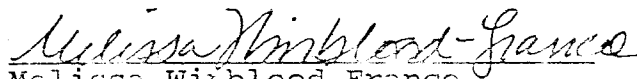
THE CITY OF EL PASO


Mayor

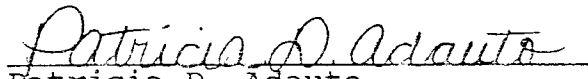
ATTEST:


City Clerk

APPROVED AS TO FORM:


Melissa Winblood Franco
Asst. City Attorney

APPROVED AS TO CONTENT:


Patricia D. Adauto
Department of Planning,
Research & Development

a:\spr9310
03/03/93

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby
accepted this 18th day of March, 1993.

BORDER CAB COMPANY

By:

Phillip Oliver

Title:

President

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 18 day of
March, 1993, by Phillip Oliver
as President on behalf of BORDER CAB COMPANY.

Norma J. Vega

Notary Public, State of Texas
Notary's Printed or Typed Name:

Norma J. Vega

My Commission Expires:

Mar. 27, 1996

011651

AN ORDINANCE AMENDING THE TERM OF ORDINANCE NOS. 009272,
AND 011363, AUTHORIZING BORDER CAB COMPANY TO USE A PORTION
OF PUBLIC RIGHT-OF-WAY AT 200 WEST SAN ANTONIO AVENUE
FOR USE OF TWO PARKING METERS AS TAXI-STANDS.

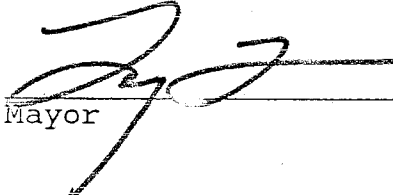
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Ordinance Nos. 009782 and 011363 be amended by extending
the term of the Special Privilege as shown in the attached "Exhibit
A" which is attached hereto and made a part hereof by reference.

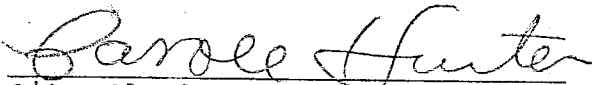
All other terms and conditions of Ordinance No. 009782 and
011363 shall remain in full force and effect.

PASSED AND APPROVED this 23rd day of November, 1993.


THE CITY OF EL PASO


Mayor


ATTEST:


City Clerk

APPROVED AS TO FORM:


Melissa Winblood
Asst. City Attorney

APPROVED AS TO FORM:


Patricia D. Adauto
Department of Planning,
Research & Development

a:\spr9380

EXHIBIT "C"

"EXHIBIT A"

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) AMENDMENT TO SPECIAL PRIVILEGE

The Special Privilege dated February 2, 1988, between the CITY OF EL PASO and BORDER CAB COMPANY, is amended as follows:

1. Paragraph 2, TERM, is amended to read as follows:

"2. TERM

The term of this Special Privilege shall be extended for an initial six month period commencing on August 2, 1993 and ending on February 2, 1994. At the end of the initial six month term, the City shall have the option to extend the Special Privilege on a month-to-month basis. In all cases, the cancellation provisions within Paragraph 8 shall apply."

2. Paragraph 5, CONSIDERATION, is amended to read as follows:

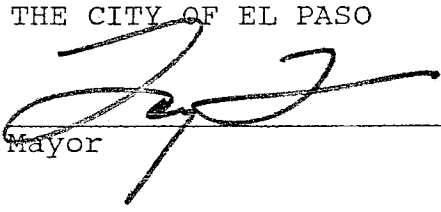
"5. CONSIDERATION

As consideration for this Special Privilege, the Grantee shall pay to the City, pursuant to the fee structures set forth in Ordinance 10363, as amended, Section 15.08.120.D., the sum of Six Hundred Thirty Dollars and No/100ths (\$630.00) for the initial six month term payable in advance upon the execution of this agreement. Upon the City's option to renew on a month to month basis, Grantee shall thereafter pay the City the sum of One Hundred Five Dollars and No/100ths (\$105.00) per month payable on the first day of each month. Grantee expressly accepts and agrees that the fee set forth herein is subject to any and all future amendments to Ordinance 10363, Section 15.08.120.D. Grantee expressly agrees to pay any additional amounts as consideration for this Special Privilege which may result from a recomputation or assessment of fees pursuant to enactment of future amendments to Ordinance 10363."

3. Except as herein amended, the above described Special Privilege dated February 2, 1988 shall remain in full force and effect.


PASSED AND APPROVED this 23rd day of November, 1993.

THE CITY OF EL PASO




Mayor

ATTEST:




City Clerk

APPROVED AS TO FORM:



Melissa Winblood
Asst. City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto
Department of Planning,
Research & Development

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby
accepted this 28th day of October, 1993.

BORDER CAB COMPANY

By: Phillip Olivar
Title: President

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of
October, 1993, by Phillip Olivar
as President on behalf of BORDER CAB COMPANY.

Norma J. Vega
Notary Public, State of Texas
Notary's Printed or Typed Name:

Norma J. Vega

My Commission Expires:

03-27-96